MINUTES OF THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

U.S.A. vs Roberto Diaz-Sarmiento No. 08CR2446-DMS

The Court finds excludable delay, under the section indicated by check (√), commenced on 8/12/08 and ended on 8/28/08 ; (X7,XT1)

________ and ended on ________ . ( )

3161(h)		
___(1)(A)	Exam or hrg for **mental or physical incapacity**	A
___(1)(B)	**NARA examination** (28:2902)	B
___(1)(D)	State or Federal trials or **other charges pending**	C
___(1)(E)	**Interlocutory appeals**	D
___(1)(F)	**Pretrial motions** (from flg to hrg or other prompt dispo)	E
___(1)(G)	**Transfers from other district** (per FRCrP 20, 21 & 40)	F
___(1)(J)	**Proceedings under advisement** not to exceed thirty days	G
___	Misc proc: Parole or prob rev, deportation, **extradition**	H
___(1)(H)	**Transportation** from another district or to/from examination or hospitalization in ten days or less	6
X (1)(I)	Consideration by Court of **proposed plea agreement**	7 (circled)
___(2)	**Prosecution deferred** by mutual agreement	I
___(3)(A)(B)	**Unavailability of defendant or essential witness**	M
___(4)	Period of **mental or physical incompetence** of defendant to stand trial	N
___(5)	Period of **NARA commitment or treatment**	O
___(6)	**Superseding indictment and/or new charges**	P
___(7)	**Defendant awaiting trial of co-defendant** when no severance has been granted	R
___(8)(A)(B)	**Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance	T
___(8)(B)(I)	1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial. **(Continuance - miscarriage of justice)**	T1 (circled)
X	2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted. **(Continuance - tendered a guilty plea)**	
___(8)(B)(ii)	2) **Case** unusual or **complex**	T2
___(8)(B)(iii)	3) **Indictment** following arrest **cannot be filed** in thirty (30) days	T3
___(8)(B)(iv)	4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare **(Continuance re counsel)**	T4
___3161(I)	Time up to **withdrawal of guilty plea**	U
___3161(b)	**Grand jury indictment time extended** thirty (30) more days	W

Date 8/12/08

DMS
Judge's Initials